

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

LEANTHONY T. WINSTON,  
Plaintiff,

v.

CARL MANNIS, *et al.*,  
Defendants.

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Civil Action No. 7:18-cv-00226

By: Elizabeth K. Dillon  
United States District Judge

**MEMORANDUM OPINION**

Plaintiff LeAnthony T. Winston, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. By previous memorandum opinion and order, the court dismissed Winston's complaint and gave him the opportunity to file an amended complaint. *See* Dkt. Nos. 46 and 47. Winston filed an amended complaint, and the defendants filed a motion to dismiss. *See* Dkt. Nos. 49 and 53. Thereafter, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005), on May 16, 2019. *See* Dkt. No. 55. The notice gave Winston twenty-one days to file a response to the motion and advised him that, if he did not respond, the court would "assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant[s] state[] in their responsive pleading(s)." *Id.* The notice further advised Winston that, if he wished to continue with the case, it was "necessary that Plaintiff respond in an appropriate fashion," and that if he failed to file some response within the time allotted, the court "may dismiss the case for failure to prosecute." *Id.* Winston did not respond. Therefore, Winston's complaint will be dismissed without prejudice for failure to prosecute.

An appropriate order will be entered.

Entered: July 8, 2019.

*/s/ Elizabeth K. Dillon*  
Elizabeth K. Dillon  
United States District Judge